

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR A CERTIFICATE OF)	CASE NO.
PUBLIC CONVENIENCE AND NECESSITY FOR)	2022-00066
THE CONSTRUCTION OF TRANSMISSION)	
FACILITIES IN HARDIN COUNTY, KENTUCKY)	

ORDER

On March 31, 2022, Kentucky Utilities Company (KU) filed an application for a Certificate of Public Convenience and Necessity for the construction of transmission facilities in Hardin County, Kentucky. Multiple parties have been granted intervention and two have sponsored testimony. Pursuant to the procedural schedule, a hearing is scheduled for June 1, 2022. The Commission, on its own motion, finds that an Order addressing the structure of the hearing is necessary due to the number of parties and witnesses.

In order to accommodate any need to enter into confidential session that may arise during the hearing, KU shall file with the Commission a list of those parties with whom it has a confidentiality agreement contemporaneous with its witness due to be filed on May 27, 2022.

Due to the number of parties and available space at counsels' table, there shall be assigned seating at the counsel table. KU will be allowed two seats at counsel table. Counsel representing Intervenors may utilize one seat for each counsel at the counsel

table. *Pro se* intervenors must take turns sitting at the counsel table while questioning other parties' witnesses.

The order for witness testimony shall be KU, Frank and Martha Brown (the Browns), and Wade Family Farm Management, LLC (Wade Farm) as those are the only parties to have supported pre-filed testimony. The order for cross-examination of KU's witnesses shall be the Browns, Wade Farm, Stephen Dobson, Grover Berry, Deanna Dobson, Raymond Dobson, Betty Dobson, Larry Hagan, Kay Hagan, John Hagan, Loretta Hagan, Commission Staff, and Commissioners. The order for cross-examination of Intervenor's witnesses shall be KU, the Browns, Wade Farm, Stephen Dobson, Grover Berry, Deanna Dobson, Raymond Dobson, Betty Dobson, Larry Hagan, Kay Hagan, John Hagan, Loretta Hagan, Commission Staff, and Commissioners.

Each party will be given the opportunity to question witnesses and present evidence through cross-examination. Although the Commission does not adhere strictly to the Kentucky rules of evidence, the Commission does require relevance and some foundation for the introduction of non-record evidence through cross-examination. Each party will be permitted to question each witness, but all questions must be related to the testimony the witness has provided, either in prior sworn testimony or from the witness stand, or to the application. Each party may choose to question or not to question each witness. Due to the number of persons involved, the Commission encourages participants to take an active listening role during the questioning by others to limit repetitive questioning. The Commission further requires parties to be courteous and respectful toward the other participants and the Commission during the hearing.

Each party may present evidence through cross-examination. However, the evidence must be relevant and related to the witness who has provided testimony. If a person seeks to admit new evidence, a basis for the truthfulness and relevance of the document must be provided. All documents already filed into the docket of this matter are already part of the record that the Commission will consider in adjudicating this matter, and do not need to be presented again at the hearing. These documents may be referenced but do not need to be admitted into evidence. Parties should ensure they have at least fifteen (15) paper copies of any evidence a party wishes to present through cross-examination, for the benefit of other parties, the Commission and the reporter.

It is expected the Commission will permit, by further order, an opportunity for post-hearing data requests for information sought at the hearing in this matter, but for which a response or information was not readily available. Additionally, in accordance with ordinary Commission practice, the position of parties in relation to the application and proposal may be provided as part of a post-hearing brief. Parties will be provided an opportunity to file post-hearing briefs, and the date by which those briefs will be due will be set by a subsequent order. No parties are permitted to exclaim their position on the application at the hearing in this matter. Rather, the hearing is for the purpose of conducting cross-examination of witnesses, and the presentation of evidence through cross-examination.

IT IS THEREFORE ORDERED that:

1. KU shall file a list of parties with whom it has entered into a confidentiality agreement with contemporaneous with its filing of a witness list.
2. The order for witness testimony shall be KU, the Browns, and Wade Family.

3. The order for cross-examination of KU's witnesses shall be the Browns, Wade Farm, Stephen Dobson, Grover Berry, Deanna Dobson, Raymond Dobson, Betty Dobson, Larry Hagan, Kay Hagan, John Hagan, Loretta Hagan, Commission Staff, and Commissioners.

4. The order for cross-examination of Intervenors' witnesses shall be KU, the Browns, Wade Farm, Stephen Dobson, Grover Berry, Deanna Dobson, Raymond Dobson, Betty Dobson, Larry Hagan, Kay Hagan, John Hagan, Loretta Hagan, Commission Staff, and Commissioners.

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PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman

Commissioner

ENTERED
MAY 26 2022
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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